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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: SAH *et al.*
Application No. 09/134,771

Group Art Unit: 1633

Filed: August 12, 1998

Examiner: Kaushal, S.

For: HUMAN MESENCEPHALON
CELL LINES AND METHODS OF
USE THEREFOR

Attorney Docket No.: 10624-009-999

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AMENDMENT UNDER 37 C.F.R. § 1.116

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the outstanding Office Action mailed September 20, 2002 ("Action"), and pursuant to Rule 116 of the Rules of Practice, please consider the following remarks. Submitted herewith is (1) Exhibit A, a set of claims as currently pending; (2) a Petition for Extension of Time for three (3) months up to and including March 20, 2003 with provision for the required fee; (3) a Notice of Appeal; and (4) a Supplemental Information Disclosure Statement and List of References Cited. Applicants believe that the remarks set forth below place the case in position for allowance.

REMARKS

Claims 1-15 and 23-27 are pending in the present application. Reconsideration of the present application in view of the following remarks is respectfully requested.

I. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

The Examiner has rejected claims 1-15 and 23-26 under 35 U.S.C. §103(a) as being obvious over Hoshimaru, *et al.*, *Proc. Natl. Acad. Sci. U.S.A.* 93:1518-1523 (1996) and Prasad, *et al.*, *In Vitro Cell Dev.* 30A:596-603 (1994) in view of Boss, *et al.* U.S. Pat. No. 5,411,883 (1995), Gallyas, *et al.*, *Neurochem. Res.* 22(5):569-575 (1997), and Weiss *et al.*, U.S. Patent No. 5,750,376 (filed in 1995). The Examiner bases this conclusion on the belief that Hoshimaru *et al.* teaches the immortalization of rat neuronal progenitor cells wherein the expression of the growth-promoting gene *v-myc* is conditionally driven by a tetracycline-controlled transactivator and a human CMV promoter, while Prasad *et al.* discloses the isolation of an immortalized dopamine-producing nerve cell line derived from fetal rat mesencephalic tissue transfected with an oncogene. (Office Action, page 4) The Examiner